



MEMORANDUM

TO: Mayor & City Council

FROM: Councilmember Dave Cortese

SUBJECT: Amendments to Lobbyist Ordinance

DATE: March 6, 2006

APPROVED:

Dave Cortese R.C.

DATE:

3/6/06

RECOMMENDATION

1. Require filing of lobbyist disclosure reports within 48 hours or two business days of the occurrence of reportable lobbying and fundraising activity
2. Request the City Clerk to make available the reports required in #1 above, real-time on the City of San Jose website, including lobbyist fund raising activities, contributions raised/offered, and solicitations made on behalf of an elected official.
3. Permanently ban former employees of San Jose elected officials from returning to City Hall to lobby their former supervisors.
4. Prohibit former city employees, including elected officials, from registering as lobbyists or providing political consultation services to a registered lobbyist for at least eight years, the equivalent of two terms in office, after they leave City Hall. Former city employees or elected officials should not be able to exert undue influence on public policy.
5. Prohibit registered lobbyists, whose primary occupation is to influence the outcome of legislation, from serving directly or indirectly through others, as fundraisers, treasurers or other campaign employees/consultants for candidates for city office.
6. Require the mayor and city council members to report offers of employment and/or negotiation of future employment with any corporation, organization or entity that has or anticipates having legislative issues pending before the city council.

BACKGROUND

San Jose citizenry is concerned mostly by the notion that decisions made by the Mayor and City Council are based on who can get the closest to which elected official and offer the greatest incentive for voting in a certain direction. The first piece to solving this dilemma is to know real time, who is meeting with whom, and who is subsidizing whose causes, in order to determine if there is any linkage to key policy decisions being made at City Hall. A filing system that demands a two-day turnaround for lobbyists to report who they met, on which issue, and the amount of any contribution in dollars and in-kind goods, will allow for accurate and up to date information, which the Clerk's Office can in turn format and make electronically available this information on their website.

The second piece to solving this dilemma (perhaps the more controversial) is to not permit the staff of San Jose elected officials from returning to City Hall to lobby their former supervisors. Additionally, former city employees, including elected officials, should be prohibited from registering as lobbyists or providing political consultation services to a registered lobbyist for at least eight years, the equivalent of two terms in office, after

they leave City Hall. The current "revolving door" policy is inadequate as many policy (i.e. Norcal) and land use (i.e. Coyote Valley, Communications Hill, Evergreen) decisions span over two to three years.

CONCLUSION

Former city employees or elected officials should not be able to exert undue influence on public policy based on their previous legislative history with the policy or the personal relationships they may have formed while in office. Approving the above measures will send a clear message that our Mayor, City Council and their respective staffs are above reproach in making decisions sans less than honorable influences.